

age) "Pa-Poose Non-Alcoholic Artificial Flavor Cordials Cherry [or "Apricot" or "Peach"] E. A. Zatarain & Sons, Inc., New Orleans, La."

It was alleged in the libel that the articles were misbranded in that the statements on the bottles, "Pa-Poose Brand Non-Alcoholic Cordial \* \* \* Cherry [or "Apricot" or "Peach"]," and the statements on the packages containing the bottles, "Pa-Poose Non-Alcoholic Artificial Flavor Cordials Cherry [or "Apricot" or "Peach"]," were false and misleading, since the articles did not contain a sufficient amount of fruit juices, if any, to justify labeling the products as cordials. Misbranding of the articles was alleged for the further reason that they were imitation cordials and should have been labeled as such, in that they did not contain a sufficient amount of fruit juices to constitute a cordial, since they contained negligible amounts, if any, of fruit juices.

On June 28, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19936. Misbranding of cane sirup. U. S. v. 369 Cases, et al., of Piney Woods Brand Pure Cane Sirup. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 27639, 27640. I. S. Nos. 47121, 47122, 47123, 47124, 47125, 47126. S. No. 5638.)

These actions were based on the interstate shipment of several lots of cane sirup, the labels of which bore no declaration of the quantity of contents as required by law.

On January 7, 1932, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 879 cases of pure cane sirup, remaining in the original unbroken packages in part at Henderson, Tex., and in part at Tyler, Tex., alleging that the article had been shipped in various consignments on or about March 26, March 28, and June 12, 1931, by the Milton Cane Products Co., from Milton, La., into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Piney Woods Brand Pure Ribbon Cane Syrup Distributed by Mayfield Company."

It was alleged in the libels that the article was misbranded in that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 8, 1932, the Mayfield Co., Tyler, Tex., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of good and sufficient bonds, conditioned that it would not be disposed of contrary to the Federal food and drugs act and all other laws. It was further ordered by the court that necessary relabeling be done under the supervision of this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19937. Misbranding of canned tomatoes. U. S. v. 997 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond for relabeling.** (F. & D. No. 27236. I. S. No. 37882. S. No. 5400.)

Examination of the canned tomatoes involved in this action showed that the article contained excessive peel, an excessive number of blemishes, and was low in drained weight, and that the label failed to bear a statement, as required by law, indicating that it was substandard.

On November 12, 1931, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 997 cases of canned tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about September 29, 1931, by A. W. Sisk & Son, from Snow Hill, Md., to Philadelphia, Pa., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Buddy Brand Tomatoes \* \* \* Packed by The Farmer's Canning Co. Snow Hill, Md."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated